

## **Remarks**

### Status of application

Claims 1-48 were examined and claims 34 and 35 stand rejected for technical reasons. Applicant has amended claim 34 to address the rejection of Applicant's claims under 35 U.S.C. Section 101 and has canceled claim 35. In view of the amendments made and the following remarks, reexamination and reconsideration are respectfully requested.

### The invention

For a concise statement of Applicant's invention, please refer to the Summary of Invention in Applicant's previously filed Appeal Brief.

### General

#### A. Section 101 rejection

The Examiner has rejected Applicant's claims 34 and 35 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant has amended claim 34 in the manner suggested by the Examiner to include limitations of a "non-transitory computer-readable medium". Applicant has also canceled claim 35. Based on these amendments, Applicant respectfully believes the Examiner's rejection of these claims under Section 101 is overcome.

### Prior art rejections

The current office action includes no prior art rejections of Applicant's claims. Pursuant to a telephone call between Applicant's representative and the Examiner on May 5, 2010, Applicant understands that the Examiner has withdrawn the prior art rejection of Applicant's claims and that (subject to the above Section 101 rejection which Applicant has addressed in this amendment) the claims are now in condition for allowance.

### Conclusion

In view of the amendment to the claims and the foregoing remarks, it is believed that all claims are now in condition for allowance. Hence, it is respectfully requested that

the application be passed to issue at an early date.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 925 465 0361.

Respectfully submitted,

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